

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ALVIN PARKER,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-13-1365-D
)	
TERRY MARTIN, Warden,)	
)	
Respondent.)	

ORDER

Before the Court is Petitioner’s *pro se* Motion to Vacate Judgment for Fraud on the Court [Doc. No. 66].¹ Petitioner seeks relief under Fed. R. Civ. P. 60(b)(3) and (d)(3) from the Order and Judgment of May 8, 2014 [Doc. Nos. 23 and 24], which dismissed for lack of jurisdiction a second or successive habeas petition under 28 U.S.C. § 2254.² Petitioner asserts that Respondent “presented false evidence and made false statements during the § 2254 proceedings.” *See* Motion, ¶ 1.

Petitioner’s Motion concerns a judgment entered more than eight years ago in this case, based on decades-old trial transcripts from his state court criminal case. *Id.* ¶¶ 3-4. This case did not decide the merits of any § 2254 petition but, instead, was dismissed for lack of jurisdiction. This is Petitioner’s eighth motion asking the Court to reconsider,

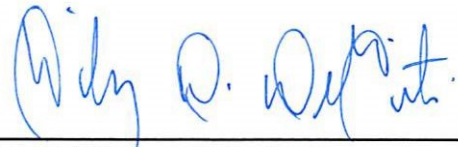
¹ As a *pro se* litigant, Petitioner is entitled to liberal construction of his Motion. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

² On appeal, the Tenth Circuit found the petition was correctly dismissed, denied a certificate of appealability, and dismissed the appeal. *See Parker v. Martin*, 589 F. App’x 866, 868-69, 870 (10th Cir. 2014) (unpublished).

amend, or vacate the judgment or a post-judgment ruling in this case. By any measure, the instant Motion is untimely and without merit. *See* Fed. R. Civ. P. 60(c)(1) (motion “must be made within a reasonable time” and under (b)(3) “no more than a year after the entry of the judgment”); *see also United States v. Buck*, 281 F.3d 1336, 1341 (10th Cir. 2002) (“Fraud on the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury.”).

IT IS THEREFORE ORDERED that Petitioner’s Motion to Vacate Judgment for Fraud on the Court [Doc. No. 66] is **DENIED**.

IT IS SO ORDERED this 15th day of February, 2023.



TIMOTHY D. DeGIUSTI
Chief United States District Judge